

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEGACY RECORD, INC., a Nebraska
corporation;

Plaintiff,

vs.

DOES 1 THROUGH 50,

Defendant.

8:23CV519

FINDINGS AND RECOMMENDATION

On May 20, 2025, the Court entered an Order, [Filing No. 39](#), requiring Plaintiff to show cause on or before June 20, 2025 why the claims against Does 1 through 50 (the “Doe Defendants”), Tunescape Limited (“Tunescape”), and/or Ziiki Holdings PVT Ltd. (“Ziiki”) should not be dismissed pursuant to NECivR. 41.2 for want of prosecution. The Court warned that the failure to timely comply with its Order may result in the dismissal of Plaintiff’s claims against one or all of these Defendants without further notice. Plaintiff has not responded to the show cause order. The undersigned now recommends the Court dismiss Plaintiff’s claims against the Doe Defendants, Tunescape, and Ziiki.

For context, Plaintiff sued the Doe Defendants and three named Defendants: Louis Vincent Mbullo (“Mbullo”), Tunescape, and Ziiki on November 20, 2023. Plaintiff has not progressed its case against the Doe Defendants. The Clerk entered default pursuant to Fed. R. Civ. Proc. 55(a) as to all three named Defendants on May 21, 2024. [Filing Nos. 16](#) and [18](#). Plaintiff subsequently moved for default judgment against the named Defendants. [Filing No. 21](#).

On October 15, 2024, the Court denied Plaintiff's motion for default judgment against Tunescape and Ziiki without prejudice for lack of personal jurisdiction because Plaintiff failed to allege or demonstrate these Defendants established minimum contacts with Nebraska. [Filing No. 23](#). The Court also denied Plaintiff's motion for default judgment against Mbullo in part but found default judgment appropriate as to Plaintiff's claims for breach of contract and accounting. Plaintiff has since progressed its remaining claims against Mbullo. See, e.g., [Filing No. 32](#) (granting Plaintiff's motion for permanent injunction against Mbullo); [Filing No. 41](#) (evidentiary hearing regarding damages pertaining to Plaintiff's remaining claims against Mbullo set for August 12, 2025).

Plaintiff has not further progressed its claims against Tunescape, Ziiki, or the Doe defendants. Nor did Plaintiff timely responded to the Court's order to show cause as to why it should not dismiss Plaintiff's claims against these Defendants for lack of prosecution.

Accordingly,

IT IS RECOMMENDED to the Honorable Robert F. Rossiter, Jr., Chief United States District Judge, United States District Judge, pursuant to 28 U.S.C. § 636(b), that Plaintiff's claims against the Doe Defendants, Tunescape, and Ziiki be dismissed for want of prosecution without further notice.

The parties are notified that failing to file an objection to this recommendation as provided in the local rules of this Court may be held to be a waiver of any right to appeal the Court's adoption of the recommendation.

Dated this 27th day of June, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge